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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/737,749	YAP, SUE-KEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa M Caputo	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and preliminary amendment filed 15 March 2004.
2. ☒ The allowed claim(s) is/are 1-35 and 37-60.
3. ☒ The drawings filed on 18 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>42604 (2)</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission of preliminary amendment filed on 15 March 2004 has been entered.

### ***Allowable Subject Matter***

2. Claims 1-35 and 37-60 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The best prior art of record fails to teach the specific arrangement of the context sensitive device for selecting a service from a plurality of services wherein there is a card portion that is attached to an electronic apparatus, which has its own memory for retaining a plurality of data items. The best prior art of record of Combaluzier (WO 95/35534) does teach a control unit connectable with a smart card wherein the data is disposed on the back of the card. However, regarding independent claims 1, 16, 26, 35, 37, 40, 46, 48, 50-52, 55, and 58, Combaluzier fails to teach the specific arrangement of the data-selectable card with the electronic apparatus that has a plurality of additional information stored in memory for multiple-choice selections and its corresponding data transfer method.

Further, U.S. Patent No. 6,229,694 to Kono teaches a handheld computer and data processing system wherein a compact electronic apparatus has a compact mass memory 9 with the capability of entry of user originated inquirable input (see Figures 1-2, col 5, lines 11-27). In addition, Kono teaches that an IC memory card 21A is able to be inserted into the slot 21B into the apparatus (see Figure 7, col 8, lines 32-42) and that in another embodiment of the apparatus a transparent touch key panel 26 exists (see Figure 10, col 8, lines 43-54). However, even though Kono teaches individual components of the electronic apparatus such as a memory, a card insertion slot, and a touch screen panel, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kono with Combaluzier because the novel limitation and arrangement of having the insertable smart card with user interpretable icons underlie the touch screen, and if a particular icon is selected, additional information is accessed from the apparatus' memory, is not taught or reasoned. Kono simply has the user access the apparatus memory from the graphics on the touch screen itself, not from the card (which in the Kono application is a memory card, not a smart card with user interpretable icons) and therefore, there is no motivation to combine Kono with Combaluzier.

Hence the best prior art of record fails to teach the invention as set forth in claims 1-35 and 37-60 and the examiner can find no teaching of the specific context sensitive device, nor reasons within the cited prior art or on her own to combine the elements of these references other than the applicant's own reasoning to fully encompass the

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current pending claims. In addition, see applicant's reasoning in amendment/response filed 15 March 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[lisa.caputo@uspto.gov](mailto:lisa.caputo@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*



LMC

April 27, 2004

  
**MARK TREMBLAY**  
**PRIMARY EXAMINER**